

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6769 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAMAD HUSEN SIDHI

Versus

ANJAR MUNICIPALITY

Appearance:

None present for Petitioner

MR YS MANKAD for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/02/98

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in the second round and lastly in the third round but none put appearance for the petitioner. Perused the special civil application, affidavit-in-reply and heard the learned counsel for the respondent.

2. By this special civil application, the petitioner seeks to challenge the legality and validity of the order

dated 30th April, 1984, annexure 'J' passed by the Chief Officer, Anjar Municipality, under which the petitioner was ordered to be dismissed from the services as a result of departmental inquiry held against him.

3. The order of dismissal of services has been passed in this case on 30th April, 1984 but the same has been challenged by the petitioner before this Court on 31st December, 1986. So this petition has been filed by the petitioner after more than two years and eight months from the date of his dismissal from services. The respondent filed reply to the special civil application on 1st September, 1987, copy of which has been given to the petitioner's counsel on that very day, in which objection has been taken regarding the delay in filing of this special civil application.

4. In the special civil application, the petitioner is unable to give out any cogent or satisfactory explanation for this long delay in challenging the impugned order. The petitioner in para-8 has come up with the case that he is out of job since 1983 and he has been facing many difficulties including financial difficulty, and as such, he could not approach this Court immediately. These are the vague averments and further more the petitioner has not stated that how the financial condition has been improved in the year 1986. This explanation which has been furnished by the petitioner is nothing but only an explanation given for the sake of explanation.

5. This writ petition deserves to be dismissed only on the ground of delay in filing of the same before this Court and the same is dismissed. Rule discharged.

zgs/-